

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MISSOURI PRIMATE FOUNDATION,

et al.,

Plaintiffs and

Counterclaim Defendants,

v.

PEOPLE FOR THE ETHICAL

TREATMENT OF ANIMALS, INC., et al.,

Defendants and

Counterclaim Plaintiffs.

Case No. 4:16-cv-02163

**COUNTERCLAIM PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65, Counterclaim Plaintiffs People for the Ethical Treatment of Animals, Inc., and Angela Scott ("Plaintiffs") hereby apply for the issuance of a temporary restraining order, followed by the issuance of a preliminary injunction. In support of the motion, Plaintiffs state as follows:

1. Plaintiffs' claims detail how Counterclaim Defendant Connie Casey ("Casey") is taking chimpanzees in violation of the Endangered Species Act ("ESA") by failing to meet their fundamental social, physical, and psychological needs; failing to provide them with adequate veterinary care; confining them to a dangerous and unsanitary environment; and providing them a dangerously unhealthy diet. Plaintiffs have explained that these actions harm and harass the chimpanzees in violation of the ESA's "take" prohibition by causing them physical and psychological harm, preventing them from carrying out their natural behaviors, and exposing them to a significant risk of future harm.

2. Plaintiffs seek the transfer of the endangered chimpanzees to accredited sanctuaries that have the resources and expertise to provide appropriate and lawful care to the chimpanzees.

3. Contrary to Casey's assurance to this Court that she "has no plans or intent to transfer any of the other chimpanzees pending resolution of this suit," Casey's counsel has just informed Plaintiffs and the Court, and apparently has just discovered, that Casey "is actively engaged in the process of attempting to transfer the chimpanzees at issue in this case to the control and custody of a third party" and that "there may already have been a legal or equitable transfer of ownership of the chimpanzees at issue to a third party."

4. Plaintiffs seek the Court's oversight of any potential transfer and precluding Casey from taking actions that (i) threaten to cause further harm to the chimpanzees and/or (ii) remove them from the jurisdiction of the Court and thwarts the Court's ability to render meaningful relief for Plaintiffs' pending claims.

5. Plaintiffs therefore seek an order:

- a. Temporarily restraining and enjoining Casey from transferring legal custody of the chimpanzees at her facility during the pendency of this litigation; and
- b. Temporarily restraining and enjoining Casey from transferring physical custody of the chimpanzees at her facility during the pendency of this litigation absent a hearing to determine the safety of the transfer arrangements and adequacy of the care and treatment the chimpanzees would receive at any temporary facility to which they would be removed until the merits of this case are finally resolved;
- c. Finding that no bond is required because Casey is unlikely to suffer any harm as a result of this injunctive relief; and

d. Providing for other equitable relief.

6. Pursuant to Federal Rule of Civil Procedure 65(b), Plaintiffs provided actual notice to Casey prior to making this application, and has provided copies of all pleadings and papers filed.

7. A memorandum in support of the temporary restraining order and preliminary injunction, and proposed temporary restraining order, are filed concurrently.

Dated: March 21, 2019

Respectfully submitted,

/s/ Jared S. Goodman
JARED S. GOODMAN (#1011876DC)
PETA Foundation
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323.210.2266
Fax No: 213.484.1648
jaredg@petaf.org

MARTINA BERNSTEIN (#230505CA)
PETA Foundation
1536 16th St. NW
Washington, DC 20036
202.483.7382
Fax No: 202.540.2208
martinab@petaf.org

POLSINELLI PC
JAMES P. MARTIN (#50170)
KELLY J. MUENSTERMAN (#66968)
100 S. Fourth Street, Suite 1000
St. Louis, MO 63102
314.889.8000
Fax No: 314.231.1776
jmartin@polsinelli.com

*Attorneys for Defendants/
Counterclaim Plaintiffs*

CERTIFICATE OF SERVICE

I certify that on March 21, 2019, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, by which notification of such filing was electronically sent and served to the following:

Debbie Champion, dchampion@rssclaw.com

Victor H. Essen, vessen@rssclaw.com

Attorneys for Plaintiff/Counterclaim Defendant Connie Braun Casey

Geordie Duckler, geordied@animallawpractice.com

Attorney for Plaintiff/Counterclaim Defendant Andrew Sawyer